



# TRANSMITTAL FORM

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Filing Date	May 26, 2000
First Named Inventor	M. Ibrahim Sezan
Art Unit	2623
Examiner Name	Shang, Annan Q.
Attorney Docket Number	7146.0085

## ENCLOSURES (check all that apply)

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|--|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Check for \$510<br>Return postcard |
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## Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Chernoff, Vilhauer, McClung & Stenzel, L.L.P.		
Signature			
Printed Name	Kurt A. Rohlfs		
Date	March 5, 2008	Reg. No.	54,405

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<b>FEE TRANSMITTAL for FY 2008</b>		<b>Complete if Known</b>	
		Application Number	09/580,808
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	May 26, 2000
		First Named Inventor	M. Ibrahim Sezan
<b>TOTAL AMOUNT OF PAYMENT</b> (\$ ) 510		Examiner Name	Shang, Annan Q.
		Art Unit	2623
		Attorney Docket No.	7146.0085

**METHOD OF PAYMENT** (check all that apply)

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☒ Deposit Account Deposit Account Number: 03-1550 Deposit Account Name: Chernoff, Vilhauer, McClung & Stenzel

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Under 37 CFR 1.16 and 1.17

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

**Total Claims** 102 **Extra Claims** 0 **Fee(\$)** 0 **Fee Paid (\$)** \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

**Indep. Claims** 11 **Extra Claims** 0 **Fee(\$)** 0 **Fee Paid (\$)** \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____ / 50 = _____ (round up to a whole number) x _____ = _____	_____	_____

**4. OTHER FEE(S)**

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	_____
Other (e.g., late filing surcharge) : Appeal Brief	\$510

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	54,405
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		Date	March 5, 2008



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant	: Sezan, et al.	Group Art Unit	: 2623
Serial No.	: 09/580,808	Examiner	: Shang, Annan Q.
Filed	: May 26, 2000	Attorney Docket	: 7146.0085
Cust. No.	: 55648	Confirmation No.	: 9106
Title	: AUDIOVISUAL INFORMATION MANAGEMENT SYSTEM		

**APPELLANT'S BRIEF**

Chernoff, Vilhauer, McClung & Stenzel  
601 SW Second Avenue  
Suite 1600  
Portland, Oregon 97204

March 5, 2008

Mail Stop APPEAL BRIEF-PATENTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**BACKGROUND**

This brief is in furtherance of the Notice of Appeal, filed in this case on January 9, 2008.

The fees required under 37. C.F.R. § 41.20(b)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying

TRANSMITTAL OF APPEAL BRIEF.

03/10/2008 SDENB083 00000064 09500000

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This brief comprises these subjects under the headings, and in the order, set forth below:

- I. Real Party in Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds for Rejection to be Reviewed on Appeal
- VII. Argument
- VIII. Conclusion
- IX. Claims Appendix
- X. Evidence Appendix
- XI. Related Proceedings Appendix

The final page of this brief bears the practitioner's signature.

### **REAL PARTY IN INTEREST**

The real party in interest in this appeal is Sharp Laboratories of America, Inc., assignee of the captioned application.

### **RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences that will directly affect, be directly affected by, or have a bearing on the Board's decision in this appeal.

## **STATUS OF CLAIMS**

### **A. TOTAL NUMBER OF CLAIMS IN THE APPLICATION**

There are 103 claims currently pending in the application.

### **B. STATUS OF ALL CLAIMS**

Claims canceled: 1, 4, 11, 27, 80-88, and 105-107.

Claims withdrawn: None.

Claims pending: 2, 3, 5-10, 12-79, 89-104, and 108-118.

Claims allowed: None.

Claims objected to: None.

Claims rejected: 2, 3, 5-10, 12-79, 89-104, and 108-118.

### **C. CLAIMS ON APPEAL**

Claims 2, 3, 5-10, 12-79, 89-104, and 108-118 are on appeal.

A copy of the claims on appeal is set forth in the Claims Appendix to this Brief.

## **STATUS OF AMENDMENTS**

No amendment was filed after final rejection.

## **SUMMARY OF CLAIMED SUBJECT MATTER**

The claimed subject matter is generally directed to methods and systems that provide to a viewer at least one of audio, video having a plurality of frames, and pictorial content. In a first embodiment, as claimed in independent claim 2, a claimed method may comprise an initial step of receiving a preferences description that describes the preferences of a user with respect to the use of at least one of the audio, image, and video, where the description includes multiple

attributes. *See, e.g.*, Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15; Claim 2 also includes the step of receiving a media attribute of the preferences description describing the quality of encoding the at least one of an audio, image, and video wherein the quality of encoding includes a first quality and a second quality, and where the first quality is less than the second quality, and where each of the first and second qualities is respectively associated with at least one type of semantic content of the audio, image, or video. *Id.* at p. 59 line 31 to p. 60 line 26; *Id.* at p. 62 lines 5-10; *Id.* at p. 66 lines 26-36. A third claimed step in independent claim 2 is selecting either the first quality and the second quality based upon the type of semantic content of the at least one of the audio and video and upon the media attribute. *See Id.* at p. 77 line 31 to p. 79 line 3. Finally, claim 2 includes the step of providing to a user the at least one of the audio and video at the selected one of the first quality and the second quality. *See Id.* at p. 77 line 31 to p. 79 line 3; *Id.* at p. 68 line 33 to p. 69 line 31; *see also Id.* at p. 59 line 31 to p. 60 line 26; *Id.* at p. 62 lines 5-10; *Id.* at p. 66 lines 26-36.

In a second embodiment, as claimed in independent claim 21, a system for use with at least one of a broadcast of an audio and a video comprising a plurality of frames, may comprise the elements of the system receiving the broadcast of the at least one of audio and video and including a storage device for the received broadcast of the at least one of audio and video, and the system selectively encoding at one of a plurality of different qualities the received broadcast of the at least one of the audio and video for storage on the storage device based upon the semantic content of said at least one of the audio and video, where the semantic content includes at least one of actors, stars, director, and rating. *See, e.g.* Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p.

56 line 15; *Id.* at p. 59 line 31 to p. 60 line 26; *Id.* at p. 62 lines 5-10; *Id.* at p. 66 lines 26-36; *Id.* at p. 77 line 31 to p. 79 line 3.

In a third embodiment, as claimed in independent claim 31, a claimed method may comprise a first step of providing a preferences description that describe the preferences of a user with respect to the use of the at least one of said audio and video, and where the description includes multiple attributes (*See, e.g.*, Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15); a second step of providing a storage attribute of the preferences description for a data storage device of a user's audiovisual system describing first and second qualities of encoding of the at least one of audio and video while the system pauses at least one of listening and viewing of said audio and video, and where each of the first and second qualities is respectively associated with at least one type of semantic content of at least one of the audio, image, and video. (*See Id.* at p. 78 lines 13-22); and a third step of selecting one of the first and second qualities based on the semantic content of the at least one of an audio and a video. *See Id.* at p. 77 line 31 to p. 79 line 3; *Id.* at p. 68 line 33 to p. 69 line 31; *see also Id.* at p. 59 line 31 to p. 60 line 26; *Id.* at p. 62 lines 5-10; *Id.* at p. 66 lines 26-36.

In a fourth embodiment, as claimed in independent claim 38, a claimed method may comprise a first step of providing a preferences description that describes the preferences of a user with respect to the use of the at least one of the audio and video, and where the description includes multiple attributes (*See, e.g.*, Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15); and a second step of providing a storage attribute of the preferences description describing the quality of encoding of the at least one of the audio and video based upon the semantic content of the at

least one of audio and video. *See Id.* at p. 77 line 31 to p. 79 line 3; *Id.* at p. 68 line 33 to p. 69 line 31; *see also Id.* at p. 59 line 31 to p. 60 line 26; *Id.* at p. 62 lines 5-10; *Id.* at p. 66 lines 26-36.

In a fifth embodiment, as claimed in independent claim 49, a claimed method may include a first step of providing a preferences description that describes the preferences of a user with respect to the use of the at least one of the audio and video, and where the description includes multiple attributes (*See, e.g.*, Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15); and a second step of providing a storage attribute of the preferences description describing the quality of encoding of the at least one of audio and video based upon the semantic content of the audio and a video and upon the combination of at least one other attribute of the preferences description and the storage attribute. *Id.* at p. 78 line 23 to p. 79 line 26.

In a sixth embodiment, as claimed in independent claim 57, a claimed method may include a first step of providing a preferences description that describes the preferences of a user with respect to the use of the at least one of the audio and video, and where the description includes multiple attributes (*See, e.g.*, Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15); and a second step of providing a storage attribute of the preferences description describing the quality of encoding of the at least one of audio and video based upon an agent of the system that selects either a first quality and a second quality based upon prior selections of either the first quality or the second quality *Id.* at p. 78 line 23 to p. 79 line 26.

In a seventh embodiment, as claimed in independent claim 61, a claimed storage medium storing information and selectively, detachably insertable into a recording device suitable to



record at least one of an audio and a video comprising a plurality of frames (*See Id.* at p. 21 lines 21-24; *Id.* at p.24 line 35to p. 25 line 2; *Id.* at p. 58 lines 25-31), comprises a first element of a preferences description, describing preferences of a user with respect to the use of said at least one of the audio and video, and where said description includes multiple attributes (*See, e.g.,* Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15); and a second element of a time attribute of the preferences description describing at least one of either (i) a first time to start obtaining said at least one of audio and video prior to the scheduled time of said at least one of audio and video; and (ii) a second time to end obtaining said at least one of audio and video after the schedule time of said at least one of audio and video. *See Id.* at p. 29 line 27 to p. 80 line 11). Furthermore in the claimed storage medium of this seventh embodiment, the storage medium interacts with a recording device into which it is inserted to obtain the at least one of an audio and a video (*See Id.* at p. 21 lines 21-24; *Id.* at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; p.24 line 35to p. 25 line 2; *Id.* at p. 40 line13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15; *Id.* at p. 58 lines 25-31).

In an eighth embodiment, as claimed in independent claim 73, a claimed method may comprise a first step of detachably inserting a storage medium into a multimedia device, where the storage medium stores a preferences description describing preferences of a user with respect to the use of the at least one of said audio and video, and where the description includes multiple attributes (*See Specification.* at p. 21 lines 21-24; *Id.* at p.24 line 35to p. 25 line 2; *Id.* at p. 58 lines 25-31 and a second step of providing a layer attribute of the preferences description indicating the number of layers of supplemental data auxiliary to the at least one of the audio and video (*See Specification* at p. 80 lines 12-31).

In a ninth embodiment, as claimed in independent claim 89, a claimed method may include a first step of providing a preferences description, that describe the preferences of a user with respect to the use of the at least one of the audio and video, and where the description includes multiple attributes (*See, e.g.*, Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15); a second step of providing at least one of: (i) a content attribute of said preferences description related to the semantic content of said at least one of audio and video (*See Id.* at p. 77 line 31 to p. 79 line 3; *Id.* at p. 68 line 33 to p. 69 line 31; *see also Id.* at p. 59 line 31 to p. 60 line 26; *Id.* at p. 62 lines 5-10; *Id.* at p. 66 lines 26-36); and (ii) a type attribute of said preferences description related to the type of said at least one of audio and video (*See Id.* at p. 72 line 30 to p. 73 line 23); and a third step of determining the number of layers of supplemental data auxiliary to the at least one of the audio and video based at least in part upon the content attribute and the type attribute (*See Id.* at p. 80 lines 12-31; *See also Id.* at p. 82 line 22 to p. 85 line 18.)

In a tenth embodiment, as claimed in independent claim 94, a claimed method may include a first step of providing a preferences description that describes preferences of a user with respect to the use of the at least one of the audio and video, and where the description includes multiple attributes (*See, e.g.*, Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15); and a second step of providing a mode attribute of the preferences description that describes the user's preferences with respect to at least one of: a user-selected forward speed at which the system provides a fast forward presentation of the at least one of audio and video; and (ii) a user-selected reverse speed at which the system provides a fast reverse presentation of said at least one of audio and video (*See Id.* at p. 81 lines 1-26).

In an eleventh embodiment, as claimed in independent claim 104, a claimed method may include a first step of providing a preferences description that describes preferences of a user with respect to the use of the at least one of said audio and video, and where the description includes multiple attributes (*See, e.g.*, Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15); a second step of providing a media attribute of the preferences description describing the user's preferences with respect to at least one of: (i) audio representation wherein the audio representation includes at least one of MP3, Liquid Audio, Real Audio, AC-3, stereo, and Dolby digital; and (ii) video representation wherein the video representation includes letterbox screen and 4:3 aspect ratio screen; and a third step of providing a content attribute describing the semantic content of the at least one of the audio and the video, where the content attribute is used with the media attribute to implement the user's preferences with respect to the at least one of the audio representation and the video representation (*See Id.* at p. 77 line 31 to p. 79 line 3; *Id.* at p. 68 line 33 to p. 69 line 31; *see also Id.* at p. 59 line 31 to p. 60 line 26; *Id.* at p. 62 lines 5-10; *Id.* at p. 66 lines 26-36).

In a twelfth embodiment, as exemplified by independent claim 108, a claimed method may comprise a first step of providing a preferences description on a storage medium detachably insertable into a multimedia device, where the preferences description describes preferences of a user with respect to the use of the at least one of said audio and video, and where the description includes multiple attributes (*See, e.g.*, Specification at p. 10 line 8 to p. 11 line 29; *Id.* at p. 16 line 23 to p. 17 line 6; *Id.* at p. 40 line 13 to p. 45 line 27; *Id.* at p. 55 line 5 to p. 56 line 15); and a second step of providing a creation attribute of the preferences description describing the creation date of said at least one of audio and video (*See, e.g., Id.* at p. 86 lines 13-30).

### **GROUND OF REJECTION TO BE REVIEWED ON APPEAL**

The grounds of rejection presented for review are: (1) whether claims 61-70 and 72 are unpatentable under 35 U.S.C. § 102(e) as being anticipated by Maissel et al., U.S. Patent No. 6,637,029 (hereinafter Maissel); (2) whether claims 71 and 108-118 are unpatentable under 35 U.S.C. §103(a) over Maissel in view of Herrington et al., U.S. Patent No. 6,865,746 (hereinafter Herrington); (3) whether claims 73-79 are unpatentable under 35 U.S.C. §103(a) over Maissel in view of O'Brien et al., U.S. Patent No. 6,055,569; (4) whether claims 2, 3, 5-9, 12-19, 21-25, 27-29, 38-46, 48-54, 56, and 104 are unpatentable under 35 U.S.C. §103(a) over Sahai et al., U.S. Patent No. 6,594,699 (hereinafter Sahai) in view of Vetro et al., U.S. Patent No. 6,542,546 (hereinafter Vetro); (5) whether claims 20, 30, 47, 55, and 57-60 are unpatentable under 35 U.S.C. §103(a) over Sahai in view of Vetro and in further view of Tracton et al, U.S. Patent No. 6,470,378 (hereinafter Tracton); (6) whether claims 94-103 are unpatentable under 35 U.S.C. §103(a) over Sahai in view of Osawa et al., U.S. Patent No. 5,956,037 (hereinafter Osawa); (7) whether claims 10 and 26 are unpatentable under 35 U.S.C. §103(a) over Sahai in view of Vetro and in further view of Osawa; (8) whether claims 31-37 are unpatentable under 35 U.S.C. §103(a) over Sahai in view of Osawa and in further view of Vetro; and (9) whether claims 89-93 are unpatentable under 35 U.S.C. §103(a) over Sahai in view of Vetro and in further view of O'Brien.

## **ARGUMENT**

### **GROUP I (Claims 61-72)**

The Examiner rejected claims 61-70 and 72 under 35 U.S.C. § 102(e) as being anticipated by Maissel. The Examiner rejected claim 71 under 35 U.S.C. § 103(a) as being unpatentable under 35 U.S.C. § 103(a) over Maissel in view of Herrington. The obviousness rejection of claim 71 is premised on the propriety of the rejection of claim 61 over Maissel.

Independent claim 61, from which the dependent claims 62-72 each respectively depend, includes the limitations of “a storage medium selectively detachably insertable into a recording device suitable to record at least one of an audio and a video comprising a plurality of frames” and “wherein said storage medium interacts with said recording device.” Neither of these limitations are disclosed by the cited reference. As noted by the Examiner, Maissel discloses a portable storage media selectively insertable into a *set top box 110, which is not a recording device*. See Maissel at col. 10 lines 31-37. Instead, Maissel discloses that a user of the set top box 110 may have a stand-alone VCR or other recording device, which aside from receiving a signal from the set top box, is not disclosed to have any other interaction with the set top box. See Maissel at col. 10 lines 49-52.

To sustain a rejection under 35 U.S.C. § 102, the Examiner must cite a single reference containing all claimed limitations. Because Maissel fails to disclose these limitations, the Examiner’s rejection is improper.

Furthermore, there would be no motivation to modify Maissel to include all limitations in claim 61. For example, claim 61, as previously presented, included the limitation that the detachably insertable storage medium include user preference data including “a time attribute . . .

describing at least one of: (i) a first time to start obtaining said at least one of audio and video prior to the scheduled time of said at least one of audio and video; and (ii) a second time to end obtaining said at least one of audio and video after the schedule time of said at least one of audio and video.” As noted above, Maissel fails to disclose this limitation because the set top box 110 is not a recording device hence cannot obtain, i.e. record, the video. (To clarify this limitation, the applicant has amended claim 61 to replace the word “obtain” with “record”). However, the applicant further notes that the purpose for Maissel’s detachable storage device is simply to load another (and preferably famous) person’s *EPG profile* onto the user’s set-top box. Thus, even setting aside the fact that Maissel’s set top box is incapable of interacting with a VCR to even make use of the claimed time attributes in the preference description on the portable storage, Maissel fails to disclose any utility for those time attributes in the first instance.

For each of these reasons, the applicant respectfully requests that the Examiner’s rejection of claims 61-70 and 72 be overturned.

## **GROUP II (Claims 108-118)**

The Examiner rejected claims 108-118 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Maissel and Herrington. Independent claim 108 includes the limitations of “a preferences description providing preferences of a user” and including “a creation attribute *of said preferences description* describing the creation date of said at least one of audio and video.” As conceded by the Examiner, Maissel fails to disclose this limitation. The Examiner alleges, however that it is disclosed by Herrington. It is not.

Herrington discloses that a “program guide may provide a user with an opportunity to request that the system locate programs that are related to a particular program” in any one of a

variety of ways, including locating a sequel or locating programs having a common production year. In neither instance, however, does Herrington either describe, or even show a need, for the claimed creation attribute *in a user's preference description*. Rather, in the method of Herrington, the user selects a program, and then upon request compares the creation date of the selected program with the respective creation dates of additional available content. Thus, the creation attributes of Herrington are solely contained within the program description scheme rather than the user description scheme.

In order to sustain a rejection under 35 U.S.C. § 103(a) the Examiner must show that each claimed limitation is taught in the cited prior art combination. Because neither cited reference teaches a creation attribute of a preferences description describing preferences of a user, the Examiner's rejection is improper. Therefore, the applicant respectfully requests that the rejection of claims 108-118 be overturned.

### **GROUP III (Claims 73-79 and 89-93)**

The Examiner rejected claims 73-79 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Maissel in view of O'Brien. Independent claim 73, from which claims 74-79 each respectively depends, includes the limitation of "providing a layer attribute of [a] preferences description indicating the number of layers of supplemental data auxiliary to said at least one of said audio and video." As before, the preference description describes the preferences of a user. Also, as before, the Examiner concedes that Maissel fails to disclose this limitation.

O'Brien discloses a modified "web acceleration" method that in some circumstances increases the speed of browsing the internet. Specifically, when a person loads a web page containing links to other web sites, the user's browser may start to load the content of linked web pages into cache memory in the event a user in fact selects one of the links. O'Brien modifies this preexisting system by allowing an operator of an accelerated web site to include probability descriptors for each link indicating the statistical probability, based on past selections, that a person browsing the web site will click on each respective link. The browser may then start loading into cache the links having the highest associated probability of being selected.

The Examiner alleges that the limitation of a "layer attribute of [a] preferences description indicating the *number of layers* of supplemental data auxiliary" is disclosed by O'Brien's recitation that the acceleration technique can, once a linked web page is loaded into cache memory, proceed to also load web pages linked within the web page in cache memory, i.e. second-level caching. O'Brien also discloses that a user may limit the caching of linked web pages to those having a probability greater than a threshold. Note that, if the system proceeds to cache second, third, etc. level web pages, presumably the probability of a second level link being selected would be the product of the respective probabilities of the first and second links being selected. Yet in no circumstance, does O'Brien teach an attribute limiting the "*number of layers*" of linked web pages to be downloaded into cache. For example, if a user navigates to a first web site having a link with a 99% probability of a user selecting a link to a second web page, and that second web page has a link to a third web page with another 99% probability of being selected, etc., then a large number of layers may be loaded into cache before a user-selected limit of, say 50%, is reached. In other words, the limit taught by O'Brien is a limit on the likelihood that a



web page will ultimately be navigated to by a user, irrespective of how many levels of links need to be loaded into cache to get to that web page.

In any even, the teachings of O'Brien are of no relevance to the system of Maissel. First, the Examiner's citation to col. 15 lines 23-37 of Maissel is misplaced. That portion of the cited reference merely discloses that a "customized programming guide" of a famous person could be downloaded from the internet to the portable storage device. That portion of Maissel has nothing to do with browsing the Internet and is in no way relevant to the teachings of O'Brien. Similarly, the Examiner's citation to col. 21 of Maissel is also misplaced; there, Maissel merely discloses that, if a content provider wishes to include additional information in a programming guide beyond that explicitly shown in Maissel's drawings, it may do so in a hierarchical fashion and accessed by a user using additional icons. Unlike navigating the Internet using a web browser in a dial-up connection, the system of Maissel is in no need of any "acceleration." Furthermore, even if the content provider of Maissel would anticipate that certain icons would be accessed more often than others, and wished to pre-load those into cache memory in anticipation of their being selected, then this would be done by the organizational structure of the hierarchy rather than some user-adjustable limit on the levels of the hierarchy to pre-load.

For each of these reasons, the applicant respectfully requests that the Examiner's rejection of claims 73-79 be overturned.

The Examiner rejected claims 89-93 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Sahai, Vetro, and O'Brien. Independent claim 89 includes the limitation of "determining the number of layers of supplemental data auxiliary to said at least one of said audio and video based at least in part upon said content attribute and said type attribute." This

claims 89-93 are distinguished over the cited combination for the same reasons that claim 73 distinguishes over the combination of Maissel and O'Brien. Therefore, the applicant respectfully requests that the Examiner's rejection of claims 89-93 under 35 U.S.C. § 103(a) be overturned.

**GROUP IV** (Claims 2, 3, 5-10, and 12-20, and 38-60)

The Examiner rejected the claims of Group IV under 35 U.S.C. § 103(a) as either being unpatentable over the combination of Sahai in view of Vetro, or unpatentable over the combination of Sahai and Vetro, and in further view of either Osawa (claim 10) or Tracton (claims 20, 47, 55, and 57-60). Independent claim 2, from which claims 3, 5-10, and 12-20 each depends, includes the limitations of "receiving a media attribute of said preferences description describing the quality of encoding said at least one of audio, image, and video wherein said quality of encoding includes a first quality and a second quality . . . and where each of said first and second qualities is respectively associated with at least one type of semantic content" and "selecting either said first quality and said second quality based upon the type of semantic content of said at least one of said audio and video and said media attribute." These limitations are not disclosed by the cited combination. At the outset, the applicant notes that Sahai fails to disclose a media attribute having first and second qualities of encoding; rather, Sahai allows a user to pick a selected one. Furthermore, Vetro merely discloses selecting an encoding quality based on system device parameters pre-stored on a server, i.e. the selected encoding rate is not based on user preferences. Finally, neither cited reference discloses the limitation that "each of said first and second qualities is respectively associated with at least one type of semantic content of at least one of said audio, image, and video."

Independent claim 38 includes the limitations of “providing a preferences description, describing preferences of a user” and “providing a storage attribute of said preferences description describing the quality of encoding of said at least one of audio and video based upon the semantic content of said at least one of audio and video.” As noted earlier these limitations are not disclosed by either Sahai (as conceded by the Examiner) or Vetro (which discloses an encoding method that adjusts an encoding quality irrespective of the preferences of a user.) Therefore, one of ordinary skill in the art would not find it obvious to modify Sahai to, not only adjust a recording quality based on semantic content, but to do so in accordance with an attribute in a user-preferences description. Claims 39-46 and 48 depend from claim 38 and are distinguished over the cited combination for the same reasons as is claim 38.

Independent claim 49, from which claims 50-54 and 56 depend, includes the limitations of “providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes” and “providing a storage attribute of said preferences description describing the quality of encoding of said at least one of audio and video based upon the semantic content of said audio and a video and upon the combination of at least one other attribute of said preferences description and said storage attribute.” Therefore, each of claims 49-54 and 56 distinguish over the cited combination for the same reasons as does claim 38.

Independent claim 57, from which claims 58-60 depend, includes the limitations of “providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes” and “providing a storage attribute of said preferences description describing the quality of encoding of said at least one of audio and video based upon an agent of said system.” The Examiner’s

rejection depends on the erroneous premise that these limitations are disclosed by the combination of Sahai and Vetro. As stated previously with respect to claims 2, 38, and 49, this is not the case.

For each of these reasons, the applicant respectfully requests that the Examiner's rejection of claims 2, 3, 5-10, and 12-20, and 38-60 be overturned.

#### **GROUP V (Claims 21-26 and 28-30)**

The Examiner rejected the claims of Group V under 35 U.S.C. § 103(a) as either being unpatentable over the combination of Sahai in view of Vetro, or unpatentable over the combination of Sahai and Vetro, and in further view of either Osawa (claim 26) or Tracton (claim 30).

Independent claim 21, as amended, includes the limitation of "said system selectively encoding at one of a plurality of different qualities said received broadcast of said at least one of said audio and video for storage on said storage device based upon the semantic content of said at least one of said audio and video, where said semantic content comprises at least one of actors, stars, director, and rating." This added limitation was taken from claim 27, which has been canceled. Claims 22-25, 28, and 29 depend from claim 21.

The Examiner concedes that neither reference includes the limitation of "where said semantic content comprises at least one of actors, stars, director, and rating." Nonetheless, the Examiner ostensibly takes notice that "it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Sahai as modified by Vetro to include actors, stars,

etc. for the advantage of enhancing the audio/video with favorite actors, stars, etc, that meets a user's desire or preferences.” The Examiner's rationale is flawed. Sahai fails to disclose the step of basing an encoding quality based on semantic characteristics at all. Vetro conversely, merely describes an automated transcoding method that selects or adjusts a bit rate, *not based on any user-specified criteria, but image characteristics* that can be inferred from semantic details about the content of the bit-stream, i.e. “activity, scene change, information, and texture.” *See* col. 5 lines 53-54. If anything, Vetro teaches against the Examiner's purported motive for the combination because selecting bit rates in accordance with user-preferred actors, stars, etc. would interfere with the optimal encoding efficiency method of Vetro, which is not based on what semantic content an individual user desires. *See* Vetro at col. 6 line 64 to col. 7 line 4.

For each of these reasons, the applicant respectfully requests that the Examiner's rejection of claims 21-26 and 28-30 be overturned

#### **Group VI (Claim 104)**

The Examiner rejected the claims of Group V under 35 U.S.C. § 103(a) as being unpatentable over the combination of Sahai in view of Vetro.

Independent claim 104 includes the limitations of “providing a content attribute describing the semantic content of said at least one of said audio and said video, said content attribute being used with said media attribute to implement said user's preferences with respect to said at least one of said audio representation and said video representation” and “providing a media attribute” that describes preferences of a user with respect to “at least one of (i) audio representation wherein said audio representation includes at least one of MP3, Liquid Audio,

Real Audio, AC-3, stereo, and Dolby digital; and (ii) video representation wherein said video representation includes letterbox screen and 4:3 aspect ratio screen.”

As stated earlier, Vetro fails to disclose this limitation as the audio and video encoding or delivery qualities are not selected based on a user’s preference attributes. Moreover, even to the extent that Vetro does disclose encoding at different qualities, the reference does so only with respect to the bit rate at which a data stream is encoded across a transmission channel, i.e. Vetro fails to disclose encoding choices regarding the aspect ratio of video, or the format choice of audio (MP3, AC-3, etc.). Even if these format choices *affect* bit rate, it does not logically follow that a prior art disclosure of encoding at different bit rates is a teaching of encoding at different *formats*, each having different bit rates. Thus, for each of these reasons, claim 24 is patentable over the cited prior art, and the applicant respectfully requests that the rejection of this claim be overturned.

#### **GROUP VII (Claims 94-103)**

The Examiner rejected claims 94-103 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Sahai and Osawa. Independent claim 94, from which claims 95-103 depend, includes the limitation of “providing a mode attribute of said preferences description describing the user’s preferences with respect to at least one of: (i) a user-selected forward *speed* at which the system provides a fast forward presentation of said at least one of audio and video; and (ii) a user-selected reverse *speed* at which the system provides a fast reverse presentation of said at least one of audio and video.” These limitations are not disclosed by the cited prior art. The applicant notes that the secondary reference, Osawa, merely records *which* portions of video

were fast-forwarded, fast-reversed, etc. by a user, and fails to even disclose multiple *speeds* at which either operation can be performed let alone recording the information in user-preference data. Therefore, neither cited reference discloses the limitation of a mode attribute describing a *speed* at which a user prefers to fast-forward or fast-reverse a presentation, and the applicant respectfully requests that the Examiner's rejection of claims 94-103 be overturned.

### **GROUP VIII (claims 31-37)**

The Examiner rejected claims 31-37 under 35 U.S.C. § 103(a) as being obvious in view of the combination of Sahai, Osawa, and Vetro. Independent claim 31 includes the limitations of “providing a storage attribute of [a] preferences description for a data storage device of a user audiovisual system describing first and second qualities of encoding of said at least one of audio and video while said system pauses at least one of listening and viewing of said audio and video, and where each of said first and second qualities is respectively associated with at least one type of semantic content of at least one of said audio, image, and video” and “selecting one of said first and second qualities based on the semantic content of said at least one of an audio and a video, and said storage attribute” Thus claims 31-27 are distinguished over the cited combination for the same reasons as claim 2 distinguishes over Sahai and Vetro.

In addition, claim 31 specifies that the claimed storage attribute, specifying the first and second encoding qualities, is used for recording or storing content “while said system pauses at least one of listening and viewing of said audio and video.” In other words, the claim is directed to a feature where a user, when pausing a show to answer the telephone, for instance, specifies the quality at which the system records the missed content, for a desired type of semantic content

of the program then being watched, so that when the program is un-paused, the missed content may be seen by the user.

The Examiner argues that one of ordinary skill in the art, after reviewing Osawa, would find it obvious to modify the combination of Sahai and Vetro to provide this functionality. This is incorrect, as Osawa merely discloses that a Video-on Demand service may keep track of user actions with respect to fast forwarding or reversing content of a delivered show, so that in the event that the user again requests that particular show, an edited version may be presented *in accordance with the user's past behavior*. Thus, nothing in Osawa suggests storing preferences by which a user determines the quality at which a device records content while a user pauses the program. To the contrary, Osawa seems to infer that if a user stops watching, or fast forwards a program, the user is simply not interested in the content such that later iterations of the program will not deliver the missed content. In that respect, Osawa seems to teach against the claimed invention.

For each of these reasons, the applicant respectfully requests that the Examiner's rejection of claims 31-37 under 35 U.S.C. § 103(a) be withdrawn.



**CONCLUSION**

The Examiner's respective rejections of claims 2, 3, 5-10, 12-79, 89-104, and 108-18 should be reversed, and the claims should be found patentable.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kurt", followed by a series of stylized, overlapping horizontal strokes.

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## **CLAIMS APPENDIX**

1. (Canceled)
2. A method of providing at least one of an audio, an image, and a video comprising a plurality of frames to a user, said method comprising:
  - (a) receiving a preferences description, describing preferences of a user with respect to the use of said at least one of said audio, image, and video, where said description includes multiple attributes;
  - (b) receiving a media attribute of said preferences description describing the quality of encoding said at least one of audio, image, and video wherein said quality of encoding includes a first quality and a second quality, where said first quality is less than said second quality, and where each of said first and second qualities is respectively associated with at least one type of semantic content of at least one of said audio, image, and video;
  - (c) selecting either said first quality and said second quality based upon the type of semantic content of said at least one of said audio and video and said media attribute; and
  - (d) providing to a user said at least one of said audio and video at the selected one of said first quality and said second quality.
3. The method of claim 2 wherein said at least one of audio, image, and video is at least one of said audio and video.
4. (Canceled)
5. The method of claim 3 wherein encoding said at least one of said audio and video using said first quality results in the storage of said at least one of said audio and video in less bytes than encoding said at least one of said audio and video using said second quality.

6. The method of claim 5 wherein said encoding uses a digital compression technique.
7. The method of claim 5 further comprising selecting either said first quality and said second quality based upon available storage for said at least one of said audio and video.
8. The method of claim 7 wherein said selecting is automatically performed by said system.
9. The method of claim 7 wherein said selecting is prompted to a user of said system for selection.
10. The method of claim 5 further comprising:
  - (a) at least one of viewing and listening to a portion of said at least one of said audio and video;
  - (b) pausing said at least one of said viewing and listening to said portion;
  - (c) storing said portion subsequent to the location that said portion was paused while said at least one of said viewing and listening is paused;
  - (d) resuming said at least one of said viewing and listening of said portion at the location that said portion was paused; and
  - (e) selecting either said first quality and said second quality for said storing of said portion subsequent.
11. (Canceled)
12. The method of claim 2 wherein sports programming of said type of content is automatically encoded at said second quality by said system.
13. The method of claim 2 wherein nature programming of said type of content is automatically encoded at said first quality by said system.

14. The method of claim 2 further comprising said system automatically selecting either said first quality and said second quality based upon other attributes of preferences description.

15. The method of claim 2 further comprising said system automatically selecting either said first quality and said second quality based upon attributes of a system preferences description.

16. The method of claim 2 where said semantic content comprises at least one of actors, stars, director, and rating.

17. The method of claim 2 further comprising said system automatically selecting either said first quality and said second quality based upon predefined relationships between a plurality of attributes of said preference descriptions.

18. The method of claim 17 further comprising said selecting based upon attributes of a program preference descriptions.

19. The method of claim 18 further comprising said selecting based upon attributes of a system preference descriptions.

20. The method of claim 2 further comprising an agent of said system that selects either said first quality and said second quality based upon prior selections of said either said first quality and said second quality.

21. A system for use with at least one of a broadcast of an audio and a video comprising a plurality of frames comprising:

- (a) said system receiving said broadcast of said at least one of audio and video;
- (b) said system including a storage device for said received broadcast of said at least one of audio and video; and

- (c) said system selectively encoding at one of a plurality of different qualities said received broadcast of said at least one of said audio and video for storage on said storage device based upon the semantic content of said at least one of said audio and video, where said semantic content comprises at least one of actors, stars, director, and rating.

22. The system of claim 21 wherein said encoding includes a first quality that results in the storage of less bytes than encoding using a second quality.

23. The system of claim 22 further comprising selecting either said first quality and said second quality based upon available storage on said storage device.

24. The system of claim 23 wherein said selecting is automatically performed by said system.

25. The method of claim 23 wherein said selecting is prompted to a user of said system for selection.

26. The system of claim 22 further comprising:

- (a) storing said at least one of audio and video on said storage device while at least one of listening and viewing of said at least one of audio and video is paused; and
- (b) wherein said storing step (a) is selectable by said system.

27. (Canceled)

28. The method of claim 22 further comprising said system automatically selecting either said first quality and said second quality based upon user preferences.

29. The system of claim 22 further comprising said system automatically selecting either said first quality and said second quality based upon said at least one of audio and video.

30. The system of claim 22 further comprising said system selecting either said first quality and said second quality based upon prior selections of said either said first quality and said second quality.

31. A method of using a system with at least one of an audio and a video comprising a plurality of frames comprising:

- (a) providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes; and
- (b) providing a storage attribute of said preferences description for a data storage device of a user audiovisual system describing first and second qualities of encoding of said at least one of audio and video while said system pauses at least one of listening and viewing of said audio and video, and where each of said first and second qualities is respectively associated with at least one type of semantic content of at least one of said audio, image, and video; and
- (d) selecting one of said first and second qualities based on the semantic content of said at least one of an audio and a video, and said storage attribute.

32. The method of claim 31 further comprising storing said audio and video on said storage device while said system is paused.

33. The method of claim 32 further comprising resuming said at least one of listening and viewing.

34. The method of claim 33 wherein said step of encoding said at least one of said audio and video using said first quality results in the storage of said at least one of said audio and video in less bytes than encoding said at least one of said audio and video using said second quality.

35. The method of claim 34 further comprising the step of selecting either said first quality and said second quality based upon available storage for said at least one of said audio and video.

36. The method of claim 35 wherein said selecting step is automatically performed by said system.

37. The method of claim 35 further comprising the step of selecting from among said first quality, said second quality, and a third quality.

38. A method of using a system with at least one of an audio and a video comprising a plurality of frames comprising:

- (a) providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes; and
- (b) providing a storage attribute of said preferences description describing the quality of encoding of said at least one of audio and video based upon the semantic content of said at least one of audio and video.

39. The method of claim 38 further comprising selecting either a first quality and a second quality based upon the type of content of said at least one of said audio and video.

40. The method of claim 39 further comprising selecting from among said first quality, said second quality, and a third quality.

41. The method of claim 39 wherein sports programming of said content is automatically encoded at said second quality by said system.

42. The method of claim 41 wherein nature programming of said content is automatically encoded at said first quality by said system.

43. The method of claim 39 further comprising automatically selecting either said first quality and said second quality based upon attributes of said preferences description in addition to said content.

44. The method of claim 39 further comprising automatically selecting either said first quality and said second quality based upon predefined relationships between a plurality of attributes of said preference descriptions.

45. The method of claim 44 further comprising said selecting based upon attributes of a program preference descriptions.

46. The method of claim 44 further comprising said selecting based upon attributes of a system preference descriptions.

47. The method of claim 39 further comprising an agent of said system that selects either said first quality and said second quality based upon prior selections of said either said first quality and said second quality together with said content.

48. The method of claim 47 wherein said selecting is automatically performed by said system.

49. A method of using a system with at least one of an audio and a video comprising a plurality of frames comprising:

- (a) providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes; and
- (b) providing a storage attribute of said preferences description describing the quality of encoding of said at least one of audio and video based upon the semantic content of said audio and a video and upon the combination of at least one other attribute of said preferences description and said storage attribute.



50. The method of claim 49 further comprising selecting either a first quality and a second quality based upon the type of content of said at least one of said audio and video.

51. The method of claim 50 further comprising selecting from among said first quality, said second quality, and a third quality.

52. The method of claim 49 wherein one of said at least two other attributes of said preferences description includes a content attribute describing said at least one of audio and video.

53. The method of claim 49 further comprising said selecting based upon attributes of a program preference descriptions.

54. The method of claim 53 further comprising said selecting based upon at least one attribute of a system preference descriptions.

55. The method of claim 50 further comprising an agent of said system that selects either said first quality and said second quality based upon prior selections of said either said first quality and said second quality together with said at least two other attributes of said preferences description.

56. The method of claim 50 wherein said selecting is automatically performed by said system.

57. A method of using a system with at least one of an audio and a video comprising a plurality of frames comprising:

- (a) providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes; and
- (b) providing a storage attribute of said preferences description describing the quality of encoding of said at least one of audio and video based upon an agent of said system that selects either a first quality and a second quality

based upon prior selections of said either said first quality and said second quality.

58. The method of claim 57 wherein said quality of encoding is further based upon at least two other attributes of said preferences description.

59. The method of claim 57 wherein said quality of encoding is further based upon the content of said at least one of audio and video.

60. The method of claim 57 wherein said selecting is automatically performed by said system.

61. A storage medium selectively detachably insertable into a recording device suitable to record at least one of an audio and a video comprising a plurality of frames, said storage medium storing information comprising:

- (a) a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes; and
- (b) a time attribute of said preferences description describing at least one of:
  - (i) a first time to start obtaining said at least one of audio and video prior to the scheduled time of said at least one of audio and video; and
  - (ii) a second time to end obtaining said at least one of audio and video after the schedule time of said at least one of audio and video; and
- (c) wherein said storage medium interacts with said recording device when inserted in said storage medium to obtain said at least one of an audio and a video.

62. The method of claim 61 wherein said scheduled time is the time period of at least one of an audio program and a video program.

63. The method of claim 62 wherein said first time is selected based upon the content of said at least one of an audio program and a video program.

64. The method of claim 62 wherein said second time is selected based upon the content of said at least one of an audio program and a video program.

65. The method of claim 63 wherein said content is described in said preferences description.

66. The method of claim 64 wherein said content is described in said preferences description.

67. The method of claim 62 wherein said first time is selected based upon the type of said at least one of an audio program and a video program.

68. The method of claim 62 wherein said second time is selected based upon the type of said at least one of an audio program and a video program.

69. The method of claim 67 wherein said type is described in said preferences description.

70. The method of claim 68 wherein said type is described in said preferences description.

71. The method of claim 68 wherein said type includes sports programs.

72. The method of claim 68 wherein said type includes sitcoms.

73. A method of using a system with at least one of an audio and a video comprising a plurality of frames comprising:

- (a) detachably inserting a storage medium into a multimedia device, said storage medium storing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes; and
- (b) providing a layer attribute of said preferences description indicating the number of layers of supplemental data auxiliary to said at least one of said audio and video.

74. The method of claim 73 wherein said number of layers relates to at least one of HTML documents and XML documents.

75. The method of claim 73 further comprising retrieving said supplemental data prior to at least one of listening and viewing said at least one of audio and video.

76. The method of claim 75 wherein said number of layers is determined in accordance with the available storage for said supplemental data.

77. The method of claim 75 further comprising ceasing said retrieving of said supplemental data prior to retrieving all said number of layers.

78. The method of claim 73 further comprising said number of layers being determined in accordance with the available storage for said supplemental data.

79. The method of claim 78 wherein said available storage is determined by the user.

80-88. (Canceled)

89. A method of using a system with at least one of an audio and a video comprising a plurality of frames comprising:

- (a) providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes;

- (b) providing at least one of:
  - (i) a content attribute of said preferences description related to the semantic content of said at least one of audio and video;
  - (ii) a type attribute of said preferences description related to the type of said at least one of audio and video; and
- (c) determining the number of layers of supplemental data auxiliary to said at least one of said audio and video based at least in part upon said content attribute and said type attribute.

90. The method of claim 89 wherein said number of layers relates to at least one of HTML documents and XML documents.

91. The method of claim 89 further comprising retrieving said supplemental data prior to at least one of listening and viewing said at least one of audio and video.

92. The method of claim 89 wherein said number of layers is determined, at least in part, in accordance with the available storage for said supplemental data.

93. The method of claim 91 further comprising ceasing said retrieving of said supplemental data prior to retrieving all said number of layers.

94. A method of using a system with at least one of an audio and a video comprising a plurality of frames comprising:

- (a) providing a preferences description, describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes; and
- (b) providing a mode attribute of said preferences description describing the user's preferences with respect to at least one of:

- (i) a user-selected forward speed at which the system provides a fast forward presentation of said at least one of audio and video; and
- (ii) a user-selected reverse speed at which the system provides a fast reverse presentation of said at least one of audio and video.

95. The method of claim 94 wherein said mode attribute includes said forward speed.

96. The method of claim 94 wherein said mode attribute includes said reverse speed.

97. The method of claim 94 wherein said mode attribute includes said time interval.

98. The method of claim 95 wherein said forward speed is selected based upon, at least in part, other attributes of said preferences description.

99. The method of claim 96 wherein said reverse speed is selected based upon, at least in part, other attributes of said preferences description.

100. The method of claim 97 wherein said time interval is selected based upon, at least in part, other attributes of said preferences description.

101. The method of claim 95 wherein said forward speed is automatically determined by said system for one of said at least one of audio and video based upon, at least in part, said system monitoring previous selections of said forward speed for other respective said at least one of audio and video.

102. The method of claim 96 wherein said reverse speed is automatically determined by said system for one of said at least one of audio and video based upon, at least in part, said system monitoring previous selections of said reverse speed for other respective said at least one of audio and video.

103. The method of claim 97 wherein said time interval is automatically determined by said system for one of said at least one of audio and video based upon, at least in part, said

system monitoring previous selections of said time interval for other respective said at least one of audio and video.

104. A method of using a system with at least one of an audio and a video comprising a plurality of frames comprising:

- (a) providing a preferences description describing preferences of a user with respect to the use of said at least one of said audio and video, where said description includes multiple attributes;
- (b) providing a media attribute of said preferences description describing the user's preferences with respect to at least one of:
  - (i) audio representation wherein said audio representation includes at least one of MP3, Liquid Audio, Real Audio, AC-3, stereo, and Dolby digital;
  - (ii) video representation wherein said video representation includes letterbox screen and 4:3 aspect ratio screen; and
- (c) providing a content attribute describing the semantic content of said at least one of said audio and said video, said content attribute being used with said media attribute to implement said user's preferences with respect to said at least one of said audio representation and said video representation.

105-107 (Canceled).

108. A method of using a system with at least one of an audio and a video comprising a plurality of frames comprising:

- (a) providing a preferences description on a storage medium detachably insertable into a multimedia device, said preferences description describing preferences of a user with respect to the use of said at least one

of said audio and video, where said description includes multiple attributes; and

- (b) providing a creation attribute of said preferences description describing the creation date of said at least one of audio and video.

109. The method of claim 108 wherein said creation date refers to the original creation date of said at least one of audio and video.

110. The method of claim 108 wherein said creation date refers to the re-mastering date of said at least one of audio and video.

111. The method of claim 108 wherein said creation date is used to select among a plurality of said at least one of audio and video programs.

112. The method of claim 111 wherein said selected programs are stored on a local storage.

113. The method of claim 112 wherein selection is further among a plurality of episodes of the same program.

114. The method of claim 113 wherein said selection is further limited to a desired number of episodes.

115. The method of claim 112 wherein a predetermined number of said selected program of a plurality of episodes are said stored on said local storage.

116. The method of claim 115 wherein a portion of said local storage is reserved for at least one of said plurality of episodes prior to said storing on said local storage.

117. The method of claim 113 wherein said creation attribute is used to select among said plurality of episodes of the same program.

118. The method of claim 108 wherein said creation date refers to a date period.



**EVIDENCE APPENDIX:**

None.

**RELATED PROCEEDINGS APPENDIX:**

None.